

An attorney is entitled to reasonable attorney fees for services rendered in connection with an application for additional medical benefits filed subsequent to the ultimate disposition of the initial and original claim under the provisions of K.S.A. 1991 Supp. 44-536(g). The statute provides the attorney shall be awarded fees on the basis of the reasonable and customary charges in the locality.

Although the respondent may argue the issue could have been resolved with one (1) phone call, it was not. Phone calls were made, a benefit review conference was held and claimant still did not have permission to seek additional medical treatment. Although claimant had been advised he would receive permission for additional medical care by contacting the company nurse, when he did so he was advised he needed to talk to his supervisor. As instructed, claimant then approached his supervisor who advised him he needed to check it out and that he would get back to him. Claimant finally received permission for additional medical treatment the day before the hearing. Under the circumstances presented, claimant's attorney was justified in proceeding with the process to obtain a hearing before the Administrative Law Judge.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark entered in this proceeding on May 23, 1995 should be, and hereby is, modified to grant claimant's attorney three hundred dollars (\$300) in attorney fees for this post-award matter.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Steven R. Wilson, Wichita, KS  
John B. Rathmel, Overland Park, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director **ENDFIELD**